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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/387,857	09/01/1999	FUMITAKA SUGAYA	1776/00039	3099

7590

12/16/2002

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EXAMINER

NOVACEK, CHRISTY L

ART UNIT

PAPER NUMBER

2822

DATE MAILED: 12/16/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/387,857

Applicant(s)

SUGAYA, FUMITAKA

Examiner

Christy L. Novacek

Art Unit

2822

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 25 November 2002 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
(a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ they raise the issue of new matter (see Note below);
(c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): none.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: _____

Claim(s) withdrawn from consideration: _____

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____


AMIR ZARABIAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800
Part of Paper No. 12

Advisory Action

This Office Action is in response to the proposed amendment filed November 25, 2002.

Response to Proposed Amendment

The proposed amendment will not be entered because it raises new issues that would require further search and/or consideration.

Response to Arguments

Applicants response fails to argue the rejection of claim 36 under 35 U.S.C. 102(e) as being unpatentable over Schoenfeld et al. that was made in the previous Office Action. Nor does the proposed amendment propose to amend this claim. (???)

Regarding the rejection of claims 38 and 39 under 35 U.S.C. 103(a) as being unpatentable over Komori et al. in view of Wolf et al. (Vol. 1), Applicants argue that "As noted in the Office Action, Komori et al does not disclose the patterning of the first conductive layer so that the conductive film is divided below a first opening and extends below a second opening formed in the conductive film." This is entirely incorrect. The Office Action mailed August 23, 2002 states, "the first conductive film is patterned such that element isolation regions are exposed" but, "Komori does not disclose the particular steps involved in patterning the first conductive layer." Komori discloses that the first conductive film (7A) is deposited onto the entire substrate and then the film (7A) is "patterned into a predetermined shape as shown in FIG. 3" (col. 8, ln. 7-15). Thus, as can be seen in Fig. 3 of Komori, the first conductive layer is patterned such that a first opening is formed on one side of the first conductive layer which

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exposes an element isolation structure and a hole extending through the first conductive layer is also formed on the other side of the first conductive layer such that a second element isolation structure is exposed. The Wolf reference was used in the rejection of claims 38 and 39 only for its teaching that photolithography is a conventional method of "patterning" material of a semiconductor device.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christy L. Novacek whose telephone number is (703) 308-5840. The examiner can normally be reached on Monday-Thursday and alternate Fridays 7:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amir Zarabian can be reached on (703) 308-4905. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

CLN
December 11, 2002


AMIR ZARABIAN
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